

**INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES
May 8, 2007**

THE INLAND WETLANDS AND WATERCOURSES COMMISSION of the Town of Trumbull held a Regular Meeting on Tuesday, May 8, 2007 in the Courtroom of the Trumbull Town Hall.

MEMBERS PRESENT: Richard Girouard, Chairman
John Doris, Vice-Chairman
Andrew Lubin
Dennis Miko
Arlyne Fox
John Lauria, (arrived at 8:48 p.m.)
ALSO PRESENT: Brian Smith Assistant Town Engineer, Town of Trumbull
Neil Lieberthal, Town of Trumbull Attorney

The following is a brief summary of the meeting. A recording was made on tape and is on file in the office of the Town Engineer, Town Hall, Trumbull, CT.

The Chair convened the meeting at 7:41 p.m.
Mr. Doris read the Public Hearing notice.

Upon motion made, (Doris) seconded (Fox), and carried by a vote of 5 in favor (unanimous) it was voted to take New Business as the first order of business.

Application #07-16 Viade Development, LLC/ Construct 12 age-restricted Housing
Larry Edward L.S., PE Units.
6766 & 6762 Main Street.

Attorney Peter Gelderman representing the applicant was present. This application is an extension to Colonial Village on the corner of RT. 111 & RT. 125. The proposal is a 12-unit addition to the development. The development is restricted to elderly housing with a clubhouse and parking. The wetlands are on the north end of the site, water capture structures are located on site, and there are slopes on the south side of the site.

Upon motion made, (Doris) seconded (Fox), and carried by a vote of 5 in favor (unanimous) it was voted to **RECEIVE** Application #07-16.

Application #07-17 Tim & Martine Yourieff Install curtain drains to alleviate
Flooding of property.
38 Lafayette Drive.

Tim and Martine Yourieff were present. Mr. Yourieff explained that the several years they have had water issues with their home, last summer the site never was able to dry out and subsequently that water froze during the winter creating a dangerous area. There is the Tennessee gas line in the backyard, which does complicate the project slightly. They had received two proposals for the work one in which takes the drainage across the pipeline and must clear the pipeline by 18", the second is a curtain drain but would only

alleviate part of the property's water issues. This fall was the first time they ever had basement flooding, last year they did have a problem with mosquitoes. They have resided in this home since 1990 and it has only been in recent years that have had water issues. Upon motion made, (Doris) seconded (Fox), and carried by a vote of 5 in favor (unanimous) it was voted to **RECEIVE** Application #07-17.

Application #05-16	Sound Trefoil, LLC/C/O	Construct 60 condo units, a bank
(Amendment) Raymond Rizzio		Restaurant, & 3 story 84 assisted
		Living units- 41, 43, 49 & 53 Monroe
		Turnpike & 9 & 19 Trefoil Drive.

Attorney Peter Gelderman was present representing the applicant. This application is requesting an amendment for a previous approval. This amendment includes a substantial reduction of the impervious surface/coverage. The reduction is from 90% of impervious surface to 50%. The wetland area on the site is an intermittent drainage area. The drainage flow would not be impacted. This proposal includes a mixed use of the site including, assisted living housing, retail and a bank.

Attorney Lieberthal stated there is an appeal by the intervener of this approved application, the appeal is pending and is expected to be resolved this should not effect this evening's business.

Attorney read the previously submitted letter dated 5/3/2007 to Mr. Brian Smith re: Proposed Site Development Plans Sound Trefoils, LLC 41, 43, 49, & 53 Monroe Turnpike from William J. Baier into the record.

Mr. Joseph Pereira, Professional Engineer of Pereira Engineering was present. Mr. Pereira stated the site is 11½ acres with direct frontage on Monroe Turnpike, there is an intermittent watercourse, which was a result of the DOT widening of the area. It is piped and flows to a swail and into the Pequonnock River. The impervious surface has been reduced from the Lowe's project from 90% to 50%. Of the existing woods most would be left as is, there are 3 driveway curb cuts existing and would remain, there will be ample parking for all uses on the site and there would be improvement to the storm water quality.

Atty. Gelderman clarified this application would replace the Lowes application.

Mr. Pereira stated the restaurant would have 119 parking spaces. Atty. Gelderman respectfully requested of the Commission for a decision at this meeting.

Upon motion made, (Doris) seconded (Miko), and carried by a vote of 5 in favor (unanimous) it was voted to **RECEIVE** Application #05-16, (Amendment).

Upon motion made, (Doris) seconded (Miko) and carried by a vote of 5 in favor (unanimous) it was voted to close New Business. New Business was closed at 8:10 p.m.

The Chair opened the public hearing at 8:11 p.m. p.m.

Application #07-09	James Fracker Const. LLC	Create 5 building lots & 1 open
(Continuation from public hearing 4-10-07)		Space.
		Lot #2 Booth Hill Road.

Attorney Richard Bertula of Berchem Moses and Devlin representing the applicant was present. Atty. Bertula stated there would be no activity in the wetland area, only moderate

grading. The application had been continued from the last meeting due to specific questions raised at that meeting. The applicant and the engineer had retained Henry Mollner, Soil Scientist to address those concerns. Atty. Bertula submitted Mr. Mollner's report for the record. Mr. Fracker was present at this meeting.

Mr. Mollner, Soil Scientist with offices in Southbury, CT. Mr. Mollner reported the hill shown on the map is not a hill but a depression, water was present and was flowing to the adjacent house and driveway, there was no mottling, no evidence of poorly drained soil, and there was no vegetation around the depression area. The nor-easter event happened 1 week after the spring thaw and the event brought 8" of rainfall. There is severe erosion and a substantial amount of water flows on the property, the soils have not had a chance to dry out, this area would not be classified as a wetland area, 1/3 of the property consists of highly disturbed soils. The map and flagged area is correct. The Booth Hill Road area would need to be repaired; Mr. Mollner proposed repairing the storm drains from the road, explaining the road is bringing a substantial amount of water onto the site. The house will be outside the wetland areas; the last storm in the area was close to the 100-year storm event. The house is out of the flood plain. The large piles of soil will be removed. There is 3' elevation difference between the two-wetland areas.

Mr. Bonbero stated the flood elevation might have changed with the new culvert recently installed in the area. Mr. Smith stated the 100 year flood line is noted on the open space at 267 degrees elevation, lot #4 is showing fill to raise the house to 270 degrees, the total effect of the new culvert can not predicted/estimated a new study has not been done to date. The house is 120' away from the 100-year flood line.

Mr. Bertula stated the applicant is offering a conservation easement and the open space is being dedicated. Alternate A is the proposed plan. All debris left behind by the previous owner is to be removed by the applicant.

There were 2 people present to speak against this application:

Mr. John Entwistel of 621 Booth Hill Road spoke against house #5 on the 4 build-able lots; he has lived in the area for twenty years, cautioning that removing vegetation will increase the flow of water to Candlewood Lake.

Mr. Rich Fenus son of Mary Fenus the original owner of the property was present. On 07/02/03 his mother entered into contract with Mr. Fracker, there are small piles less than 10 yards each of soil on this property. His father never dammed for irrigation, there is a small concrete damn and spillway, which was built by his father. There is a decree of specific performance on record by the Superior Court; it calls for a 4-lot, not a modified contract. As far as Mr. Fenus knows it is still enforced and has not been null and voided to date. On 09/11/03 the drawing complied with the contract but that drawing never went forward to P&Z or the IWC. The center line to the brook to left front corner of the house is 190', the current drawing is now 140', the house is being positioned closer to the brook. The soil scientist is correct there is a lot of water on the driveway between the telephone pole numbers 1949 and 1950; the water is pooling and flowing down the driveway.

Mr. Bertula stated a contested trial took place and the judge transferred the property to Mr. Fracker, there has been no appeal.

Application # 07-13

Brian Parker

Remove fourteen trees in a regulated Area.

18 Old Village Lane.

Mr. Brian Parker of 18 Old Village Lane was present and submitted the certificate of mailings for the record. There is a stream on the property; the trees are on the stream.

Mr. Lauria arrived at 8:48 p.m.

Mr. Smith clarified that the Town trees are not part of this application. The Town will look at the trees and would then come to the Commission with its own application.

Ms. Fox indicated that trees #3& #4 will hold back erosion If those trees were removed that would create an erosion problem.

Application #07-05 R.D Scinto, Inc
(Continuation from public hearing 4-10-07)Install gas main in easement.
81 Spring Hill Road.

Mr. David Bjorklund of Spath Bjorklund was present. Mr. Bjorklund distributed amended plans to the Commission. At the last meeting it was requested to meet with Town Tree Warden to review the planting plan in order to create an area, which is not conducive to riding bicycles. It seems the only plants that would do that would be invasive species. It was suggested to block the area off with a 4' split rail fence and to screen the gas line area, the area will revegetate very quickly in a couple of seasons, the application submitted with the Town of Monroe for the May 1, 2007 meeting had been approved. Mr. Bjorklund submitted the letter of approval from the Town of Monroe for the record. The plan reflects 4" of topsoil over the gas line and the area landscaped to the east. The north end will have 4" of topsoil placed over the entire area and will be seeded.

Application #07-15 St. John's Wood, LLC/
Angelo MelisiCreate a 19 lot subdivision
Consisting of 18 new homes.
100 St. John's Drive.

Mr. Doris recused himself from Application #07-15 at 9:08 p.m.

Attorney Kevin Gunther was present representing the applicant was present. Mr. James Rotondo, Engineer with Rotondo Engineering was present, Matthew Popp was present. A resume of qualifications was submitted for the record. The application is for a standard subdivision, the site is 32.3665 acres the proposal is to subdivide into 19 lots, one lot is 4 acres and would be retained by the church, and the church will remain. The church parking lot would be reconfigured and made smaller, the existing rectory would be demolished and not replaced. 10 acres of the site is owned by Skird and the remainder is owned by the church, both parties have signed and intend to sell the property.

There is a plunge pool proposed for lot #15 there is 130 sq. ft. of wetlands involved in the application as opposed to the 590 sq. ft. of the previously approved proposal. A chart was submitted with a list of activities approved by the Commission last summer compared to this application.

Mr. Rotondo principle of Rotondo Engineering, LLC reviewed the proposed application in detail with the Commission, there are 18 lots proposed for single living dwellings with

driveways. The driveway will need to be modified. Roads A&B are two new roadways proposed. The existing sanitary sewer manhole will be extended and will be a gravity sewer. The rectory on site will be removed. The storm water collection system on site accounts for quality and detention. The detention system has been designed for the 2-year through the 100-year storm event. There is a rip-rap plunge pool also proposed. Mr. Rotondo reviewed the erosion & sedimentation plan in detail with the Commission. The stonewall will be moved, cape cod style curbing will be utilized. An alternative plan was proposed and reviewed with the Commission. The plan of choice is SP #2. The alternate has involves direct wetland crossing and fill.

Mr. Matt Popp, Environmental Consultant, Professional Wetland Scientist of Environmental Land Solutions was present. Mr. Popp submitted the Environmental Assessment report for the record. Mr. Popp reviewed the assessment in detail with the Commission. Mr. Popp submitted the State of CT DEP Water Management definition of a vernal pool for the record, the State of CT permit to collect wildlife for the purpose of scientific and educational purposes and 4 photographs, (one sheet includes the 4 photographs) representing a what vernal pool looks like.

Mr. Popp indicated this application would have minimal impact to the wetland and would include the best mitigation and management practices and would have less impact to the wetland than the previously approved application.

Mr. Rotondo indicated the pipe used would be solid and will not effect the ground water.

Mr. Gunther will offer a conservation easement for all the wetland areas not disturbed.

Mr. Gunther reviewed the previous application's conditions of approval and consulted with Mr. Rotondo on each condition and labeled each condition as, "applicable" and "included in this proposal" or as not applicable due to changes in this application from the previously approved application.

Mr. Rotondo stated that this application would not have an adverse impact/effect to the wetlands.

Mr. Gunther stated there were 2 (two) small wetlands on lot#4 and it would be difficult to put a conservation easement on those.

The Chair called a recess at 10:16 p.m.

The Chair called the meeting back to order at 10:28 p.m.

Atty. Joel Greene was present on behalf of the Save Nichols group. The group represents hundreds of citizens opposing this application. Mr. Greene pointed out this Commission's regulations, which dictates how applications are accepted. Mr. Green opposed the alternate plan submitted at this meeting by the applicant. Mr. Greene requested this public hearing be continued to the next meeting in order to allow time for review of all materials submitted at this meeting.

Atty. Lieberthal stated the next meeting is scheduled for June 6, 2007, which does allow for the 35-day time limit to act on an application.

Atty. Greene indicated section 8.7 of the Commission's regulations requires the application will be open to public inspection.

There was three people from the public present to speak against this application.

Judy Angell of 354 Shelton Road is opposed to this development; this property is a wildlife habitat.

Al Berger of 16 Longview Road spoke against this application citing the flow of traffic and the impact to the flow groundwater flow that it may have. Mr. Berger is concerned about disturbing the wetland area and that it might increase the existing water issues the surrounding neighbors have.

Mary Joan Bilchak, resides in Southbury, but attends St. John's Church spoke against this application.

The Chair called a recess at 10:44 p.m.

The Chair called the meeting back to order at 10:45 p.m.

Application #07-15 St. John's Wood, LLC/ Angelo Melisi Create a 19 lot subdivision Consisting of 18 new homes. 100 St. John's Drive.

Upon motion made, (Lubin) seconded (Fox), and carried by a vote of 6 in favor (unanimous) it was voted to **CONTINUE** Application #07-15 to the June 2007 Inland Wetland and Watercourses meeting.

Upon motion made, (Lubin) seconded (Fox), and carried by a vote of 6 in favor (unanimous) it was voted to close the public hearing at 10:46 p.m.

Mr. Doris returned to the meeting at 10:47 p.m.

Work Session:

Application # 07-13 Brian Parker Remove fourteen trees in a regulated Area. 18 Old Village Lane.

Upon motion made, (Fox) seconded (Doris), and carried by a vote of 5 in favor and 1 abstention, (Lauria) it was voted to **Approve** Application #07-13 **subject to the General Conditions as established by the Commission:**

➤ Trees numbered 1,2,5,6,7 & 8 shall be the only trees removed.

Application #07-09 James Fracker Const. LLC Create 5 building lots & 1 open Space. Lot #2 Booth Hill Road. (Continuation from public hearing 4-10-07)

Upon motion made, (Fox) seconded (Doris), and carried by a vote of 5 in favor and 1 abstention, (Lauria) it was voted to **TABLE** Application #07-05 to the June 2007 Inland Wetland & Watercourses Commission meeting.

Application #07-05 R.D Scinto, Inc Install gas main in easement. 81 Spring Hill Road. (Continuation from public hearing 4-10-07)

Upon motion made, (Miko) seconded (Fox), and carried by a vote of 5 in favor and 1 Abstention, (Lauria) it was voted to **APPROVE** Application # 07-05 as submitted.

Application #07-16 Viade Development, LLC/
Larry Edward L.S., PE Construct 12 age-restricted Housing
Units.
6766 & 6762 Main Street.

FIELD INSPECTION

Application #07-17 Tim & Martine Yourieff Install curtain drains to alleviate
Flooding of property.
38 Lafayette Drive.

Upon motion made, (Lubin) seconded (Doris), and carried by a vote of 4 in favor and 2
Abstentions, (Lauria and Fox) it was voted to **APPROVE** Application # 07-17 as
submitted.

Application #05-16 Sound Trefoil, LLC/C/O Construct 60 condo units, a bank
(Amendment) Raymond Rizzio Restaurant, & 3 story 84 assisted
Living units- 41, 43, 49 & 53 Monroe
Turnpike & 9 & 19 Trefoil Drive.

Upon motion made, (Lubin) seconded (Doris), and carried by a vote of 4 in favor and 2
abstentions, (Lauria and Fox) it was voted to **Approve** Application #05-16 amendment
subject to the General Conditions as established by the Commission:

➤ Detention system shall be on-site.

FIELD INSPECTION DATE:

The field inspection date is scheduled for Tuesday, May 22, 2007 to leave the Town Hall
at 3:05 p.m. for the following applications:

Application #07-16

Adjournment:

Upon motion made, (Lubin) seconded (Doris), and carried by a vote of 6 in favor
(unanimous) it was voted to adjourn at 11:13 p.m.

Respectfully submitted,

Margaret D. Mastroni
Clerk